

PERKINS COIE LLP

James C. Pistorino (admitted *pro hac vice*)
3150 Porter Drive
Palo Alto, CA 94304-1212
Telephone: (650) 838-4300
Facsimile: (650) 838-4350

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch (5715)
10 West Broadway, Suite 400
Salt Lake City, UT 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

TELOS VG, PLLC

Lee Saber (11020)
John Bogart (8305)
Zachary Weyher (10846)
299 South Main, Suite 1300
Salt Lake City, UT 84111
Telephone: (801) 535-4304
Facsimile: (801) 210-2735

*Attorneys for Defendants and
Counterclaim Plaintiffs FYE
(a.k.a. Trans World Entertainment)
and Target Corporation
(erroneously sued as Target Corporations)*

*Attorneys for Defendants and Counterclaim Plaintiffs
Sony Music Entertainment (f.k.a. Sony BMG Music
Entertainment) and Best Buy Stores, L.P.
(erroneously sued as Best Buy Co., Inc.)*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION**

JAMES L. DRIESSEN, and MARGUERITE
A. DRIESSEN,

Plaintiffs and Counterclaim Defendants,

vs.

SONY MUSIC ENTERTAINMENT;
TARGET CORPORATION; BEST BUY CO.,
INC.; FYE (a.k.a. TRANS WORLD
ENTERTAINMENT),

Defendants and Counterclaim Plaintiffs.

**MOTION EXTENSION
OF TIME TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFFS' THIRD AMENDED
COMPLAINT**

Case No. 2:09-cv-00140

Judge Clark Waddoups

Pursuant to Fed. R. Civ. P. 6(b), Defendants Sony Music Entertainment, Target Corporation, Best Buy Stores, L.P., and FYE hereby move for an extension of time in which to answer or otherwise respond to Plaintiffs' Third Amended Complaint. This Motion is filed in

response to this Court's November 8, 2012 docket text order setting a briefing schedule regarding Plaintiffs' Rule 46 Objection [Dkt. 173]. Plaintiffs' Objection takes issue with the Court's October 23, 2012 Memorandum Decision and Order [Dkt. 172], which dismissed certain claims asserted in Plaintiffs' Third Amended Complaint. Plaintiffs' Rule 46 Objection, *inter alia*, seeks reinstatement of those claims. Plaintiffs' Rule 46 Objection, therefore, raises uncertainty with respect to which claims will remain in the case and Defendants request an extension to their time to respond to Plaintiffs' Third Amended Complaint until this Court rules on Plaintiffs' Rule 46 Objection.

The Court will note that Defendants recently filed a Motion for Extension [Dkt. 174] seeking an extension until November 19, 2012 in their time to respond to the Third Amended Complaint. While Defendants believe Plaintiffs' Rule 46 Objection is not well taken, Defendants should not be required to answer or otherwise respond to the Third Amended Complaint until it is clear what claims remain in the case and any response filed at this point would be premature. Practically speaking, the case cannot move forward until this Court issues a ruling on the Objection and an extension of time to respond to the Third Amended Complaint will not otherwise delay the case.

If the Court believes it would be helpful, Defendants suggest that the Court conduct a status conference.

Respectfully submitted,

Dated: November 13, 2012

By /s/ James C. Pistorino
James C. Pistorino
PERKINS COIE LLP
Attorneys for Defendants/Counterclaim Plaintiffs
SONY MUSIC ENTERTAINMENT and
BEST BUY STORES, L.P.

Dated: November 13, 2012

By /s/ Brent O. Hatch
Brent O. Hatch
HATCH, JAMES & DODGE, P.C.
Attorneys for Defendants/Counterclaim Plaintiffs
FYE (a.k.a. TRANS WORLD ENTERTAINMENT) and
TARGET CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and further hereby certify that I have served via e-mail a copy of this document to the following non-CM/ECF participant:

Marguerite A. Driessen
mad@driessenlaw.com
305 North 1130 East
Lindon, UT 84042
Pro Se Plaintiff

☐ U.S. Mail
☐ Federal Express
☐ Hand Delivery
☐ Telefacsimile
☒ Other (e-mail)

/s/ James C. Pistorino

James C. Pistorino